

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

JANUARY 26, 2005

Those in attendance were:

Beverly Donaldson, Chair
Vince Kramper, Member
Garry Anderson, Member
Wayne Davis, Member
Jim Van Marter, Member
Roger Korell, Member
Wayne Madsen, Member
John Burkholder, Member
Joseph Hergott, Member
Richard Jiskra, Member
Dan Watermeier, Member
Clinton Johannes, Member
Arlond Garratt, Member
Keith Rexroth, Member
Richard Hadenfeldt, Member

Steve Oltmans
John Turnbull
Jay Bitner
Ken Berney
Mike Sotak
Jason Farnsworth
Eldon Wesely
Bill Meyer
Dorothy Hillen
David Korte
Shaun Heitz
Steve Mossman
Frankie Charipar
Allen Schroeder
Roger Patterson, Director
Ann Diers, Staff
Gayle Starr, Staff

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CALL TO ORDER

The meeting was called to order in a Conference Room at the Embassy Suites Hotel in Lincoln, Nebraska, by Commission Chair, Beverly Donaldson, at 1:30 p.m.

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NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR on January 19, 2005, notifying the public of the meeting.

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INTRODUCTION OF NEW MEMBERS

Chair Beverly Donaldson introduced John Burkholder the new member representing the Republican River Basin and explained that Myron Lembke, the new member representing the North Platte River Basin, was unable to attend.

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INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes:

1. Water Well Decommissioning Cash Fund Summary.
2. Nebraska Resources Development Fund Present Financial Status.
3. Status of Small Watersheds Flood Control Fund
4. Soil & Water Conservation Fund – Expenditures by Month, 1997-2005.
5. Republican River Basin Water Meter Program status report.
6. Natural Resources Water Quality Fund Status
7. Director's Recommendation on the Leigh Dam Project, LENRD.
8. DNR Fund Expenditures for November & December 2004.

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MINUTES
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Motion was made by Kramper and seconded by Rexroth to approve the minutes of the November 18, 2004, Commission meeting as distributed. Motion carried.

Aye: Davis, Garratt, Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Donaldson

Nay: None

Not Voting: Burkholder

Not Present: Lembke

EXPENDITURES

It was noted that the expenditures for November and December 2004 covering the funds administered by the Commission had been distributed for Commission members.

DIRECTOR'S REPORT

Director Roger Patterson reported on the recent Nebraska Supreme Court decision involving the Spear T. lawsuit concerning the Pumpkin Creek in the North Platte Basin. He added that there was considerable question as to the impact of this decision and that it will be some time before the impact of the decision is sorted out.

He explained that state officials have been working with federal agencies and the Congressional delegation attempting to get approval of the CREP Program for portions of the Platte River Basin and the Republican River Basin and added that it was hoped that approval could be achieved within the next couple of months.

He added that several staff members have spent a considerable amount of time working with various NRDs in updating and finalizing their Integrated Management Plans.

Patterson noted that the Executive Committee of the Water Policy Task Force would be meeting on February 2, to discuss a number of issues, including funding and the activities that need to be accomplished to implement the legislation.

ENVIRONMENTAL TRUST

Vince Kramper noted that the Ratings Committee of the Environmental Trust Board had reviewed the numerous applications received for funding for the next year and that their recommendations have been submitted to the full board for their review.

PLATTE & REPUBLICAN RIVER ACTIVITIES

Patterson noted that work is continuing on the various activities related to the Platte River Cooperative Agreement and it was hoped that some progress could be attained in the next few months. In regard to the Republican River Basin, he noted that staff have been meeting with the NRD boards in an effort to move forward with their Integrated Management Plans and the other actions that need to be finalized. He added that the NRCS is receiving applications for the EQIP Program and that it appears as though there will be enough applications to meet the 10,000-acre goal. He noted the application deadline is January 31 and that NRC and Department staff will be reviewing the applications after they are forwarded.

PROGRAM COMMITTEE

Dan Watermeier called on Gayle Starr who distributed the Small Watersheds Flood Control Fund Status Report and briefly reviewed it. Watermeier noted that the high bid received at the public auction for the tract at Middle Big Nemaha Site 88 was quite favorable. Motion was made by Watermeier and seconded by Hergott to approve the high bid of \$2,160/acre for the 149.77-acre tract (\$323,503.20) at the January 12, 2005, auction held at the Nemaha NRD. Motion carried.

Aye: Garratt, Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Burkholder, Donaldson, Davis

Nay: None

Not Present: Lembke

The financial status report of the Resources Development Fund was distributed. Gayle Starr briefly reviewed that report. Starr also distributed the Director's recommendation on the Leigh Dam Project and noted several specific points in the recommendation. Patterson also briefly noted the basis for his recommendation and responded to a couple of questions. Ken Berney, Assistant Manager of the Lower Elkhorn NRD, introduced the project and Mike Sotak, representing Olsson Associates – the consultant on the project, reviewed the various aspects of the project.

Dorothy Hillen, David Korte, Shaun Heitz, and Steve Mossman all spoke in opposition to the project noting the level of opposition to the project and pointed out several other aspects of concern of the opponents.

Frankie Charipar and Allen Schroeder both spoke in favor of the project.

It was noted that Commission action on the project will be scheduled for the next Commission meeting.

John Turnbull, Manager of the Upper Big Blue NRD, and Jay Bitner, the Assistant Manager, briefed the Commission on the project proposal for the Kezan Creek Project in Butler County.

Steve Oltmans, Manager of the Papio-Missouri River NRD, and Jason Farnsworth of Olsson Associates, briefed the Commission on the project proposal for the Pigeon/Jones Creek Site 15 Project Proposal.

Gayle Starr briefly reviewed the request of the Village of Pender to transfer obligated funds between components of the Pender Flood Control Project and recommended Commission approval. Motion was made by Kramper and seconded by Rexroth to approve the Pender Flood Control Project sponsor's request to transfer \$13,152.59 from Component 1a (Land Rights) to Component 2a (Bids & Construction). Motion carried.

Aye: Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Burkholder, Donaldson, Davis, Garratt,

Nay: None

Not Present: Lembke

Gayle Starr distributed the status reports of the Soil and Water Conservation Fund, the Republican Basin Water Meter Fund, the South Platte Water Meter Fund, the Natural Resources Water Quality Fund, and the Water Well Decommissioning Fund and briefly reviewed them.

LEGISLATIVE AND BUDGET COMMITTEE

Staff Legal Counsel, Ann Diers, reviewed the various legislative bills of interest to the Commission, the Department, and the NRDs. Gayle Starr explained the Governor's budget recommendation for the Department and noted that the Department hearing before the Appropriations Committee of the Legislature is scheduled for February 22, 2005.

ELECTION OF OFFICERS

Commission Chair Beverly Donaldson declared that the floor was open for nominations for Commission Chair for the coming year. Wayne Davis nominated Jim Van Marter. Motion was made by Jiskra and seconded by Davis to close nominations and cast a unanimous ballot for Jim Van Marter for Commission Chair. Motion carried.

Aye: Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Burkholder, Donaldson, Davis, Garratt, Johannes

Nay: None

Not Present: Lembke

Donaldson asked for nominations for the position of Commission Vice-Chair for the coming year. Wayne Davis nominated Garry Anderson. Motion was made by Jiskra and seconded by Rexroth to close nominations and cast a unanimous ballot for Garry Anderson. Motion carried.

Aye: Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Burkholder, Donaldson, Davis, Garratt, Johannes, Hadenfeldt

Nay: None

Not Present: Lembke

Commission members congratulated Commission Chair Beverly Donaldson for her year of service.

COMMITTEE ASSIGNMENTS

Van Marter indicated that he would prepare a committee assignment roster and provide it to the staff for distribution to Commission members.

COMMISSION MEETING DATES

Gayle Starr suggested that because of the Leigh Project that the March meeting be held in Columbus. Clint Johannes indicated that he would suggest that the May meeting be May 18-19 instead of May 11-12 as indicated on the agenda and that meeting be held in Wahoo. Motion was made by Rexroth and seconded by Hadenfeldt to adopt the following schedule of meetings for the coming year:

March 23-24, Columbus	September 28, Kearney (NARD Conf. Sept. 27-28)
May 18-19, Wahoo	November 16-17
July 6-7, Holdrege	January 25, 2006 (NARD Legislative Conf. Jan. 24-25)

Aye: Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Burkholder, Donaldson, Davis, Garratt, Johannes, Hadenfeldt, Anderson,

Nay: None

Not Present: Lembke

REQUEST FOR AGENDA ITEMS

Wayne Davis explained the concern in some parts of the state about Eastern Red Cedar and Salt Cedar invading pasturelands and asked that an item be on the May Commission meeting agenda to consider the possibility of adding a practice to the Soil and Water Conservation Fund to deal with this problem.

NEXT MEETING

The next meeting of the Commission will be March 23-24 at the Holiday Inn Express, 523 East 23rd Street, in Columbus, Nebraska.

ADJOURNMENT

The meeting was adjourned at approximately 4:15 p.m.

Chair

Director of Natural Resources